



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stefan R. Kirsch et al.

Art Unit : 2863

Serial No. : 10/624,917

Examiner : Bryan Bui

Filed : July 22, 2003

Title : A GAIN FACTOR AND POSITION DETERMINATION SYSTEM

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), NORTHERN DIGITAL INC., a corporation, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of:

An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 015483, Frame 0866 on December 21, 2004, or a copy thereof is attached.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of 6,625,563, whereby the patent granted on this application and 6,625,563 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned 6,625,563.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450; Alexandria, VA 22313-1450.

Date of Deposit

July 22, 2005

Signature

Matthew G. Doherty
Typed or Printed Name of Person Signing Certificate

07/26/2005 MWOLDGE1 00000004 10624917

01 FC:2814

65.00 OP

Applicant : Stefan R. Kirsch et al.
Serial No. : 10/624,917
Filed : July 22, 2003
Page : 2 of 2

Attorney's Docket No.: 07508-046002

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of 6,625,563 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of 6,625,563.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$65 for the required fee pursuant to 37 CFR §1.20(d). Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket Number 07508-046002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: JUNE 21, 2005

NORTHERN DIGITAL INC.

MR. JAMES E. KEARNS

Title: Chief Operating Officer

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906